




PATENT
Docket No. 24180-910000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of Schaefer, et al.
Appln. No.: 10/664,491
Filed: September 17, 2003
For: **Multilayer Heat Sealant
Structures, Packages and Methods
of Making the Same**
Examiner: S. Nolan
Group Art Unit: 1772

Certificate of Mailing

I hereby certify that this correspondence (along with any documents referred to as attached or enclosed) is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 10, 2004


Signature

December 10, 2004
Date of Signature

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. §121

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This paper is in response to the Office Action mailed November 12, 2004, requiring a restriction election under 35 U.S.C. §121.

The Office Action states that the pending claims comprise the following inventions:

- I. Claims 1-23, drawn to laminates, classified in class 428, subclass 35.7.
- II. Claims 24-33, drawn to methods of making laminates, classified in class 156, subclass (unknown).

The Office Action also states that the application contains claims to the following patentably distinct species of the claimed invention.

A- the laminates and processes using non-metallized layers (claims 1, 2, 4-13 and 15-23 of Group I and claims 24 and 26-33 of Group II);

B- the laminates and processes using metallized layers (claims 3 and 14 of Group I and claim 25 of Group II).

ELECTION

In compliance with 35 U.S.C. §121, Applicants elect to prosecute Group I, drawn to laminates (Claims 1-23). Applicants also elect to prosecute the species drawn to metallized layers of the claims of Group I (Claims 3 and 14). Applicants' election is not to be construed as an admission that Applicants believe any embodiment set forth in the above-identified application is obvious over any other embodiment set forth in the above-identified application. Applicants reserve the right to prosecute the non-elected embodiment in divisional or other continuation application.

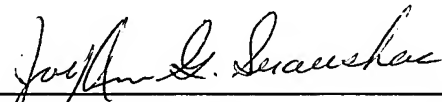
CONCLUSION

Applicants assert that this application is in condition for allowance. Early action to that end is respectfully requested.

Date: December 10, 2004

MCDERMOTT WILL & EMERY LLP
227 West Monroe Street
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Respectfully submitted,



Joy Ann G. Serauskas, Reg. No. 27,952
Agent for Applicants

CERTIFICATE OF MAILING

I hereby certify that this correspondence with attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to:
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on December 10, 2004
Date of Mailing
Joy Ann G. Serauskas
Applicant, Assignee or Registered Representative
Joy Ann G. Serauskas
Signature
December 10, 2004
Date of Signature



RESPONSE TO OFFICE ACTION TRANSMITTAL LETTER			ATTORNEY'S DOCKET NO- 24180-910000
APPLN. NO. 10/664,491	FILING DATE September 17, 2003	EXAMINER S. Nolan	GROUP ART UNIT 1772
INVENTOR(S) Schaefer, et al.			
TITLE OF INVENTION Multilayer Heat Sealant Structures, Packages and Methods of Making the Same			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is the Response to Office Action/Restriction Requirement dated November 12, 2004.

- ☐ Small entity status of this application under 37 CFR 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish a small entry status under 37 CFR 1.9 and 1.27 is enclosed.
- ☐ A request for a ____-month extension of time is enclosed.
- ☒ No additional claim fee is required.
- ☐ The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL		MINUS	20	
INDEP.		MINUS	3	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY

RATE	ADD'L FEE
x \$9 =	\$0
x \$43 =	\$0
x \$145 =	\$
TOTAL ADD'L FEE	\$

**OTHER THAN A
SMALL ENTITY**

RATE	ADD'L FEE
x \$18 =	\$
x \$86 =	\$
x \$290 =	\$
TOTAL ADD'L FEE	\$

- ☐ Please charge Deposit Account No. 13-0206 in the amount of \$0.00 for the Response to Office Action. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$_____ to cover filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 associated with this communication or credit any overpayment to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed.
- ☐ I hereby petition under 37 CFR 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed.

December 10, 2004
(Date)

SIGNATURE: Joy Ann G. Serauskas
PATENT AGENT NAME: Joy Ann G. Serauskas
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